



CORPORATION OF THE CITY OF NEW WESTMINSTER

## COUNCIL IN COMMITTEE OF THE WHOLE

March 2, 2009 3:22 p.m.  
Committee Room 2, City Hall

### MINUTES

#### PRESENT:

Mayor Wayne Wright  
Councillor Jonathan Cote  
Councillor Bill Harper  
Councillor Bob Osterman  
Councillor Jaimie McEvoy  
Councillor Lorrie Williams

#### REGRETS:

Councillor Betty McIntosh

#### STAFF:

Mr. Paul Daminato	- City Administrator
Mr. Rick Page	- Corporate Officer/Director of Legislative Services
Ms. Lisa Spitale	- Director of Development Services
Mr. Jim Lowrie	- Director of Engineering Services
Mr. Randy Grant	- Acting Director of Finance and Information Technology
Mr. Dean Gibson	- Director of Parks and Recreation
Ms. Judi Turner	- Assistant Corporate Officer

#### ADJUSTMENTS TO AGENDA

The agenda was varied as follows:

- Item 3, Royal City Farmers Market Association/Request to Waive City Fees – deleted from agenda (decision made at previous meeting)
- Added as Item 7(a) - Samson V – Verbal update
- Item 17, 2009 Community Grants – deferred to future meeting
- Added as Item 17(a) – Financing for the Purchase of the Westminster Pier Property
- Added to Agenda as Item 17(b) – Application for Grant Funding – Canada – BC Building Canada Fund.

## REPORTS FOR ACTION

### Director of Engineering

#### 1. City Wide Review of Street Lighting Illumination Levels

(a) **Presentation** – Don McLean, DMD Consultants

(b) **Report**

March 2, 2009 report providing DMD and Associates Ltd.'s study results on the illumination levels throughout the City.

Don McLean of DMD and Associates Ltd. made an illustrated presentation on their City wide review of street lighting illumination levels.

Members commented on the matter as follows:

- Community issues include: fear of falling, fear of cracks in sidewalk, fear of crime – lighting can help
- Concentrate on key corners where crosswalks exist
- Engage the community in the process
- Is there emerging technology that would reduce costs and be more energy efficient?
- Ewen Avenue, like all other major street, should be considered as an early priority and Boynes
- Develop a plan that is compatible with the City's Greenhouse Gas Reduction program
- Determine whether existing alternate lighting (e.g. Ginger Drive with short poles and box lighting) has been cost effective.

**\*\* MOVED and SECONDED and CARRIED, this Committee recommends**

*THAT the March 2, 2009 report from the Director of Engineering Services, regarding City Wide Review of Street Lighting Illumination Levels, be received for information; and*

*THAT staff be directed to prepare a long term strategy for upgrading the City's roadway lighting based on the priority criteria contained within the study entitled, "City Wide Review of Street Lighting" prepared by DMD Consultants – February 24, 2009.*

**CARRIED.**

All members of Committee present voted in favour of the motion.

**\*\* MOVED and SECONDED and CARRIED, this Committee recommends**

*THAT staff prepare policies to consider the following elements:*

- *Investigate the use of adaptive street lighting within the City*
  - *Pursue and pilot the use of alternate luminaire technologies (LED etc.)*
  - *Develop standards of lighting and standard fixtures for heritage precincts; and*
- THAT elements of a city light policy might include:*
- *Road and public safety.*
  - *Reduction of light pollution with a goal of allowing the night sky to be more visible.*
  - *Reduction of light trespass into houses and apartments.*

- *Use of adaptive lighting to reduce energy consumption during off peak periods.*
- *Energy consumption.*
- *Heritage aspects of lighting.*
- *Develop a pilot project for the use of LED lighting, as described in the report.*
- *Crime Prevention Through Environment Design (CPTED) principles; and*  
**THAT** *the March 2, 2009 report from the Director of Engineering, regarding a City Wide Review of Street Lighting Illumination Levels be forwarded to the Environment Advisory Committee and to the Energy Management Committee for comment.*

All members of Committee present voted in favour of the motion.

### **Director of Finance and Information Technology**

The Mayor revised the order of the Agenda to consider Item 17(a) at this time.

#### **17(a). Financing for the Purchase of the Westminster Pier Property (verbal)**

- \*\* **MOVED and SECONDED and CARRIED, this Committee recommends**  
**THAT** *the March 2, 2009 report from the Director of Finance and Information Technology, regarding the financing for the purchase and remediation of the Westminster Pier Property be received; and*  
**THAT** *Council authorizes a liability under Section 175 of the Community Charter for the purchase and remediation of the Westminster Pier Property in the amount of up to \$10.5 million (ten million, five hundred thousand dollars) to be repaid within five years of when the funds were borrowed based on the following repayment schedule, with no provisions for renewal:*
- *\$5 million on or before December 31, 2010; and*
  - *\$5.5 million on or before December 31, 2013.*

All members of Committee present voted in favour of the motion.

Jim Lowrie, Director of Engineering, advised that a press release has been prepared to announce that the City has made an offer, which was accepted, to purchase Westminster Pier lands at \$8 million for development as a park.

#### **17(b). Application for Grant Funding – Canada – BC Building Canada Fund**

March 2, 2009 report seeking approval to submit grant application for Canada/BC Building Canada Fund, Communities Component (circulated on table)

- \*\* **MOVED and SECONDED and CARRIED, this Committee recommends**  
**THAT** *Council direct staff to make application to the Canada – BC Building Canada Fund for the project Westminster Pier Park & Greenway; and*  
**THAT** *Council, upon receiving confirmation of the above noted grant, direct staff to amend the City's 2009 – 2013 Capital Plan to include this project with the*

*City's portion of the funding to come from reserves, Development cost Charges and/or long term debt.*

All members of Committee present voted in favour of the motion.

**3. Royal City Farmers Market Association / Request to Waive City Fees**

March 2, 2009 report providing information on the Royal City Farmers Market Association's request to waive all fees associated with the operation of the farmers market in the Fourth Street Parking Lot for the 2009 season.

Deleted from agenda (matter resolved at the February 16, 2009 Regular Meeting of Council).

**4. Zoning Amendment Bylaw to Allow Temporary Commercial and Industrial Use Permits in Downtown New Westminster (Bylaw No. 7304, 2009)**

March 2, 2009 report seeking Council's consideration of amendments to the Zoning Bylaw for the purpose of allowing temporary commercial and industrial use permits throughout the Downtown neighbourhood.

The Director responded to questions on the report.

**\*\* MOVED and SECONDED and CARRIED, this Committee recommends**  
*THAT Zoning Amendment Bylaw No. 7304, 2009 be forwarded to the Regular Council meeting of March 2, 2009, for consideration of two readings.*

All members of Committee present voted in favour of the motion.

**5. Built Environment and Active Transportation Grant**

March 2, 2009 report seeking Council's endorsement of a resolution indicating full support of the proposal and willingness to provide overall grant and financial management regarding the Built Environment and Active Transportation Program, Local Government Program Services Branch.

Staff was requested to forward a copy of the March 2, 2009 report on the Built Environment and Active Transportation Grant to the following committees: Seniors Advisory, Special Services and Access, and Transportation Committee.

**\*\* MOVED and SECONDED and CARRIED, this Committee recommends**  
*THAT Council provide its full support for the Seniors Mobility Pilot Project proposal as described in the March 2, 2009 report from the Director of Development Services and that it accept responsibility for providing overall grant and financial management.*

**CARRIED.**

All members of Committee present voted in favour of the motion.

## Director of Development Services

### 2. 1248 Ewen Avenue / Demolition Order

- (a) Staff Report
- (b) Representation by Property Owner
- (c) Council Decision

January 29, 2009 report providing information regarding a fire-damaged house located at 1248 Ewen Avenue.

At 4:30 p.m. Mayor Wright called for consideration of Item 2 – a proposed demolition order for 1248 Ewen Avenue. Mr. Harry Buchholz was present and joined the table.

Mayor Wright, Chair:

This is regarding a demolition order for 1248 Ewen Avenue, and if I could please, Keith, if you'll have the information brought forward, and I also see that we have the property owner present.

Keith Coueffin, Manager of Licensing and Integrated Services:

Yes, your worship. You have the report before you that staff presents on this matter. The report summarizes all the information that staff has. Mr. Durante (Manager of Building Inspections) is here, of course, and can provide details regarding the building assessment.

Mayor Wright, Chair:

Do you want to give an overview or is Council comfortable? Councillor.

Council Member:

For clarification please: is there anything within this building that is of heritage merit for salvage?

Frank Durante:

Not that I can see.

Mayor Wright, Chair:

I may bring forward to Council that the owner of the building has spoken to me. He has asked if he can take some of the things out of the building that he considers salvageable for himself and I've asked him to go back to staff and work it out, because I believe there is a 30 day time frame from today forward that he has to have this completed. So whichever he finds a way that is best for himself is probably the way we will go.

Does the property owner want to speak at all? Please.

(Mr. Buchholz prepared himself to speak.)

Welcome and, if you would, please introduce yourself and your address.

Harry Buchholz:

I'm Harry Buchholz. I'm the owner of property at 1248 Ewen Avenue.

Mayor Wright, Chair:

There's a question here, staff. There's two different addresses on the letter, one is 1238 and the other is 1248. And I take it, Mr. Buchholz that you own two properties – and maybe that's the second one – 1238 but we're talking about 1248. Let's make sure we have that right.

Rick Page, Corporate Officer:

To clarify, Mr. Buchholz, you live at 1238?

Harry Buchholz:

No I just store my records there. Currently, I am residing at 1236 which is a neighbouring property.

Rick Page, Corporate Officer:

1236 Ewen? OK. We just need it for the record.

Mayor Wright, Chair:

But he is the owner of two pieces of property – one being 1238 and 1248.

Harry Buchholz:

Correct.

Mayor Wright, Chair:

And we are talking about 1248 where the fire was.

Harry Buchholz:

That is my understanding.

(Mr. Buchholz read his statement.)

I'm a little bit nervous so I'll be reading this.

I'm here today in the interests of establishing a synergy between my sustainable building goals and producing results that are acceptable to all. My goal is to rebuild my home as green as possible transitioning between the original 80 year old home, in the 70's renovated to that family home, and the green home to be.

On May 22, my house was severely damaged by a fire and the response in extinguishing it. Due to extenuating circumstances, a lot of my personal household belongings are lost. I've had to write off about \$15,000 in receivables because my records are fire and water damaged. Without full office function and support my following service revenues were diminished. Lack of empathy and a "kick a man while he is down" attitude of business doesn't help either. These challenges resulted in a loss of revenue replacement for supporting a necessary overhead to carry on. Along with contending with the shock of adjustment, this approach has resulted with a present construction have maintained a relative

status quo. This pace of construction has also produced a lack of available and affordable support for facilitating the reconstruction initiative.

From my perspective, I've secured the perimeter with safety fence, removed the most hazardous aspects of the house, proceeded to remove personal belongings, finding and making storage space for some and disposing of the balance. I've initiated deconstruction. Everything that I have accumulated in life was kept on my property. I'm eclectic, having various hobbies and interests. This has resulted in an enriched level of experience and a significant inventory of resources. These resources are primarily landscape materials and maintenance materials for my acreage, as well as the leased land required for a still active horse farm and small nursery. The operation of a farm also necessitates a roster of equipment being operational.

Since 1990, the appearance of all may not have been as pristine as desired. These results are understood by most and an affront to others. This lifestyle of an urban cowboy was initiated when a considerable amount of the surrounding neighbourhood was large tracts of land that has transitioned to the urban one of today. The opportunities of a growing community – many neighbours have hired me to assist in utilizing my equipment to build and landscape their own homes. This equipment was also proven capable of providing aggressive maintenance service that even New Westminster's Strategic Services availed themselves of throughout New Westminster. Now that the community is considerably built out, the pressure for further development has altered the perspective that some neighbours would like to see. Yes, I'm still here, but I'm supporting the system in the creating of others' desires and habitat including many immediate neighbours and unanimous mutual support is not forthcoming. These same neighbours have expressed their opinions in the past to staff resulting in difficulties in the immediate urban perspectives.

I was too embarrassed to admit that I don't have the money to apply for a demo permit. The best that I could do was to demonstrate compliance by following through with deconstruction, cataloguing the results and preparing them for disposal. I just want to defend against an aggressive agenda proposed and put forward by City staff. Being a humble community minded tax payer, what resources can be mustered to compare that with City Hall?

I've been paying taxes on my combined properties for nearly 20 years. I've actively participated in community events such as the Urban Fall Fair, Queensborough Days, and Clean Sweep. As Renee Chadwick, Manager of Queensborough Community Centre regarding my efforts improving Parks and Recreation amenities. I've represented the community with the Queensborough Residents' Association on many storm drainage issues.

How can I compare the time line dictated with the time required to forward City initiative such as the (unclear) park? I think I introduced that back in 2005 and we still are looking for that.

I'm responding to a request in a personal resource efficient manner. I'm networking to produce a legitimate comprehensive plan. I've succeeded in being selected for the 2010 new building challenge which will be good to showcase New Westminster's response to climate change initiatives in the building industry. The time line for this challenge meshes in attaining progress to completion for four years in.

I'm not sure if it would be to my benefit to sort of go through I guess some of the meetings and stuff that I have had with staff. My understanding is they're not.

Mayor Wright, Chair:

If you think they are germane and not in the report, certainly.

Harry Buchholz:

Well, it's just a matter of putting forth my own understanding of what's transpired. Yes, I've had a Frank come a couple of steps into my house and say: "Yah, this house goes – get rid of it." I've been there a long time – can't I rebuild it? Subsequent to that, I got a letter of demand for a demolition. I'm saying, well, being green oriented, why can't I just construct a deconstruction plan? I realize I'm not just going there with a big machine chomping it down, throwing it into the bin, putting it into the waste facilities. This is a rather quick response but in my opinion, it's not a responsible approach. You know, right now, I mean, just to take a quick look at it, you know, removing aluminum siding is at least of benefit. Underneath that is 1928 clapboard siding that didn't burn in the fire. I'm sure others would be interested in that kind of material. Removing this in a safe manner takes a little bit of time. It doesn't meet I guess the indicated time line that City staff has indicated. We have to be reasonable taking it out and putting it away safely.

Here, I've sort of in response, I guess because it was indicated that I hadn't done anything to sort of put forward an agenda on reconstructing the house or whatever. What I have is just a little bit of a package – I have a limited quantity on here regarding the 2010 Green Building Challenge and what their initiatives or outlook would be. I could pass those out. Let's see what else. You know, it's difficult, cause I guess it comes to mind that I have to remove my whole house. Whether I can do that or not – discussions with City staff, there's been no sort of effort to even trying to analyze whether it can be rebuilt. An agenda has been put forward to remove it – that's it.

Mayor Wright, Chair:

OK. Now does staff want answer any of these questions?

Frank Durante:

I gave Harry a two month extension when he was telling me that he wanted to broach this green initiative – I said I need to know something by the end of January because I already gave him two months extra. The fire happened in



May of last year. It's basically been sitting there until we started initiating and going to see it and saying well you've got to do something, not just let it sit. The problem with the reconstruction because of the age of the house, they cannot reconstruct on that foundation because it will not meet today's requirements and the house is damaged to the point where they have to meet today's Code. So I informed Harry that you would have to pile drive and somehow support your foundation and that foundation won't even have rebar in it. So we can't stand anything without an engineering doing something to it. Basically, in my opinion, to retain any part of that house – to rebuild is actually going to cost more than starting fresh. But the choice was there - I gave him two months to come to some conclusion. I never heard back. Harold came in to my office. He was still waiting to hear from these people. I guess now he has heard from them. I didn't know anything about this. But it doesn't change the fact that I don't know what kind of information was given to this group. To rebuild that house he has to take it down and rebuild it. I mean he can reuse some of the parts but basically, I would say 90% of that first floor - the roof is all gone, the first floor studs are basically most of them are burnt on the top so those will all have to come down. He has to have full studs.

There's one bedroom I guess that's left somewhat – I don't know how badly damaged it is – we couldn't get into it. With the house being left open for basically a year to the weather, there will be more damage than just from the fire. And to do a proper assessment, you have to have an engineer go through it and say this has to go or that has to go or whatever. There's some of the flooring that also has been damaged from the fire as well. I haven't been into the basement so I don't know what's down there. But from the foundation point of view, there is no way that they are going to be able to retain those foundations to build new or repair.

Mayor Wright, Chair:

While we have you there, Council do you have any questions? I have one speaker – Councillor do you have a question on this now?

Council Member:

We have had a few issues come before us in my time on Council relating to citizens appealing to Council around bylaw enforcement issues. In previous examples, Council answer has been given specific circumstances, we would like to see efforts take place with the citizen to try to find an agreement, an amenable solution. I sympathize with Harry's position because when I was about 20 years old, I had my home fire bombed on Hallowe'en and burnt down by an arsonist – the tiny house we were living in at the time. I understand the sense of loss and frustration and the difficulty with responding in that situation. What I would like to see is a renewed effort to work out this issue with Mr. Buchholz in a way there is mutual agreement between yourself and the City.

So I have two questions for you. One: do you recognize or agree that your home will have to be deconstructed after the fire and are you willing to find compromise with the City if Council permits it?

Harry Buchholz:

Well, my goal is not to be homeless in New Westminster. Yes, my house has sustained a significant amount of damage. Do I hope to rebuild? Sure. I've spoken with a structural engineer and basically, yes, the foundation will not meet the stringent Codes that are now adopted. However, the rational being as well - the foundation has supported this house for this long - why can't it support something similar or even reduced in scope?

As regards to the floor diagram, prior to the fire, I was considering renovating the house. I'd already initiated deconstruction and at that point in time, I'd already determined the roof was under built. Two by four at 2 foot centres doesn't leave much possibilities. I mean I had a cedar shingle roof on it with a 25 year duroid roof that already needed to be replaced. In some regards, the fire reduced the bulk of wood I had to move anyway.

The walls upstairs - plaster and lath - no insulation in the walls. English lace windows. Yes, the house needed to be modified. I had already initiated that. I do have some experience in the construction industry. I've been to BCIT. In fact, I had applied for a position on the Building Department staff here and gotten accepted. I had Casey coming up to me and saying congratulations, I hear you're working for us. In the week prior to my starting, someone else came in with higher qualifications. I have been involved in heritage restoration.

I mean, yes, I guess my outlook is a little more optimistic. In my studies on green buildings, why can't we review that - I am just trying to reconstruct the house, not build the Taj Mahal. The expense of building a \$100,000 foundation on a house that I'm looking at for 5 to 10 years I want to take down and build a more comprehensive development. My retirement is hinged upon that. I want to build a simple little house where I can live for 5 to 10 years and develop an exit strategy - work with staff on trying to build more affordable housing. I have an acreage in Queensborough - I won't farm there for the rest of my life. It's difficult at this point in time. I have to lease land from others in the community in order to carry on.

Council Member:

We have written complaints from neighbours about issues of unsightly premises, about vandalism, any problems on this subject property?

Frank Durante:

I haven't received them. Keith can probably speak to that.

Keith Coueffin:

Yes, there have been complaints received about the appearance and also the fear of hazard associated with the property – should it collapse with wind or snow, and so forth.

Council Member:

What troubles me, when you see a building burnt like this, if it's at all salvageable, you will see people sealing the roof up completely. I don't see that. The other issue when I look at the picture from November 3, 2008, the front yard which we use the term "unsightly premises" – is a collection of wheel barrows on one end and pavers piled up. It is not exactly desirable for next door neighbours – it is not fair. We all have to live in a community.

What I can't quite understand, I need your help, is do you have the ability to work full time on reconstruction of this house or would this be in between working hours?

Harry Buchholz:

Can I work full time on it? No. Can I put a significant amount of effort into it? Yes. I mean, I still have \$3000 worth of bills that I've got to pay, plus I need to pay for it. I mean as far as equity wise, can I finance it? Well sure. It's right now, on a day to day cash crunch basis, it is rather difficult. This is rather devastating thing for me. I didn't respond well to it. I haven't been in the best frame of mind. It is difficult enough when looking at lifetime's accumulation – all office work, all school work, all your dreams – are just shattered. I took me a while to adjust to that – I probably took a month off – I focused on working helping other people, trying to establish some frame of normalcy. Did I need encouragement from City staff to establish my program? Sure. Had I done anything prior to? For sure. I have a farm – I can't neglect the rest of farm because my house is gone. It's difficult for me to justify paying a professional probably more than I would do the work for and charge for – I'm in the industry as well. I guess I have been guilty of serving others and not myself.

Mayor Wright, Chair:

Another question came up in speaking with Harry. The goods that are in the yard itself aside from the house – if the house comes down, does the other buildings that are there – do they stay? What happens to them, how do they?

Frank Durante:

That would be a Council decision. Theoretically, the accessory buildings wouldn't stay without a main residence. But that would be your choice.

Mayor Wright, Chair:

There's more than one thing that is taking place here. One of them is the salvaging of the house which is difficult in any circumstance and the second is what happens with the out buildings? And how soon does that have to be?

Harry Buchholz:

The property is a half acre at 50 by 1200. feet deep

Mayor Wright, Chair:

In the back there's a small area where there's a greenhouse and a shed for equipment. He also owns the building two doors down which is the old pool hall. That will come to the attention of Council again. We will have this discussion. So how do we work to get these things resolved?

Keith Coueffin:

There are a couple of buildings at the back of this property. Staff is not sure whether or not they are legal or not legal. They appear to be safe and there's no concerns in that respect – so they weren't the focus of this report. Also, there were a couple of large dogs that were kept back there so staff didn't want to go back there.

Council Member:

If the order is given by Council to take 30 days to remove the house, can yo give us an idea of the expense, Mr. Buchholz for demolition?

Frank Durante:

It depends on how much is removed from the house. If the company has to go in every room and where there's fire damage it will cost more because they will have to separate that from construction debris. Plus for them to get in, they would have to move what's in the yard so machinery can get in as well. It could be \$5000, it could be \$10,000.

Harry Buchholz:

The driveway is clear. I already have a 40 yard bin that is full. I have removed the roof and personal effects. Some improvements need to be made to the head walls in order to sustain the load there for the truck to go out and the next one comes in. I've made arrangements with one of my clients.

Council Member:

I want to be clear on the matter of deconstruction. Do you intend to take this building right down to the foundation and then build another house on the foundation? Do you want to take it down to the main floor and see what it looks like?

Harry Buchholz:

My initial approach – ok this is absolutely no good - whether the basement is any good – whether it's water damaged to the point where it can't be re-habilitated I'm not sure. Right now all I know is as far as deconstruction, you remove the dry wall out and you take the steel and separate the steel. Basically what you're doing is you're separating appropriate materials so you are not disposing in a commingled fashion – so the wood goes out with wood, the steel goes out with the steel, the dry wall with the dry wall. That kind of thing.

Even still with my 2010 green building challenge – the scope is still whether I need to rebuild the whole house or a foundation or whatever. I'm just a little concerned that if I'm doing pile driving are you doing more testing, and the scope of the work gets larger so time lines get longer. I can't understand why I can't rebuild on the existing foundation. I'm not looking to build a three storey building, I'm just looking for a rancher or whatever.

Council Member:

If you take the building down to the foundations, anything you build on top of it has to be by Code

Frank Durante:

The foundations would have to be certified by an engineer.

Harry Buchholz:

I spoke with an engineer.

Frank Durante:

They told me that but I haven't seen anything. I asked you to get a letter so I could see the engineer's report. You told me he hasn't really been to your site. That's the last I heard from you. You talked to him but he hasn't actually seen the building. I asked for you to go to the engineer, have him come to your site, do a report and submit it to me. And I haven't gotten that. And that was back before Christmas.

Harry Buchholz:

Well I spoke with him last week. At this point, until I have \$1500 in my pocket for the report, how can I initiate anything.

Frank Durante:

As I said to you, Harry, you are wasting your money, because I know he won't certify it – he can't certify it because you would be liable if anything happened to that house. The engineer is not going to sign something that he doesn't know it's going to stand up. And he has to go to today's Code.

Mayor Wright, Chair:

I'll make this clear for Council. I've been with staff. I've talked with staff. We have gone through it. I took Harry's side and said how can we make some changes and make it work and can we do it and the answer was absolutely no – that the foundation has to be by Code. The complaints that we had – and I went there – are substantial enough now, and the time frame that has gone by is a problem. Springtime will be coming with rodents and things that might happen.

My next question is to staff: will it cost more for him to fix this or can he come there to fix it up and they said to build new would be cheaper than to rebuild. That's the best information that we have. Unless something is different that than these are the facts I have to work with.

Council Member:

The only other alternative is for you to deconstruct the building yourself. Do you have that capability?

Harry Buchholz:

What is take to deconstruct?

Council Member:

Have to take the entire house down piece by piece.

Harry Buchholz:

There can be a balance – yes, you can take it off with a machine just to reclaim...

Council Member:

You just argued that you didn't want to do that – you thought in terms of a green building you would rather do it piece by piece. Is that what you were meaning by that!

Harry Buchholz:

What I was indicating - just to grab it, munch it all as a commingled process what you do is to remove – you can still leave a wooden structure remaining while the balance of materials is gone. The remaining wood can be picked up if it has no function and taken out – that can be done with a machine.

Council Member:

I don't know what that means. You want to strip everything out except the wood?

Harry Buchholz:

There are structural components of wood. There are some pieces of wood that, like tongue and groove, that you would be able to use. 2x4's are not worth recycling. Larger structures – ok if that can be saved – remove that. You take your drywall out, you take all your plumbing out, so that basically everything other than the wood is removed. So that is inventory. The rest you can bulk out the remaining wood.

Council Member:  
And that;s what you want to do?

Harry Buchholz:  
What option do I have when I'm not getting any support to try and rebuild what I have there.

Council Member:  
And how long do you think that would take?

Harry Buchholz:  
To deconstruct it like that? About 60 days.

Council Member:  
And then to munch it up, have you got that ability?

Harry Buchholz:  
If you building wood it's the same tools when you are putting it together as when you are taking it apart – bars and hammers and saws and chainsaws, etc.

Council Member:  
There seems to be an ability, If you can actually do that over a certain time to deconstruct the building right down to its foundations, that's the end of it. Is that a problem?

Mayor Wright, Chair:  
What you are saying is if you can do that within your time frame you are suggesting 60 days instead of 30 days – is that an option?

Harry Buchholz:  
Yea.

Council Member:  
Can you do it?

Mayor Wright, Chair:  
Would you do it?

Harry Buchholz:  
Yea. What option do I have? Would I do it? For me, I am committed to taking a greener approach to deconstruction – it's taking it apart piece by piece – that's the approach. Whatever I build in the future will be built in green as part of a sustainable package.

Mayor Wright, Chair:

One of the problems is that when you deconstruct, where do the materials and how fast can they get off the site so that the site becomes livable for the area? So we can't be deconstructing and just piling up and waiting. That's the type of agreement I think the City would be asking you to look at and making sure that we have everything done so that it conforms to what we need plus what you need.

Harry Buchholz:

I have no desire to come here on a repeated basis because I'm not complying with what would be appropriate. My only concern is I don't really want to introduce any – ultimately for me it I've been in New Westminster for 20 years – I'm going to be there for another 20 years. 20 years ago, as I'm building in there would I like the materials? Sure. At this point in time, it becomes a liability.

Council Member:

There is a sympathetic ear here. At the same time, there are two issues - the deconstruction of the house then the construction of a new house. I have to separate these two in my mind. In my mind, there is no doubt that it has to come down. The City is demanding 30 days that you do it, which would involve a company coming in and just doing because there is no way you can do it. I hear now that in 60 days, you could possibly deconstruction it and save yourself the cost of a getting in a demolition company? Is that correct? At the same time we charge staff with doing a job. These are the rules and they know them and they enforce them. We charge staff to do. So that we are not going to go against staff. But listening to your explanation...It would be something to ask staff is it a reasonable thing to grant an extension of another 30 days on top of the first 30 days. Staff?

Frank Durante:

I don't have a problem with that – the 30 days is just the typical number of days. If Council wishes to give an extra 30 days it would be with the understanding that at the end of 60 days, it will be clean or we would have to go in and finish the job. As long as it's cleaned up.

Keith Coueffin:

I'd just like to add another comment. As a separate staff person, I also have no problem with giving 60 days – whatever Council decides – it is totally your choice. I would caution that if Mr. Buchholz does this project himself, it would be helpful if he does not accumulate materials not only on this site but also on the other property because we actually do have outstanding complaints regarding that other property and there are materials there which we are concerned with – the unsightly conditions and violations of other City bylaws. I would encourage Council that if you do grant the 60 days, that Mr. Buchholz also be asked to ensure that not only is this site left clear but that these materials are not simply transported to the other site.

Council Member:



Is there a possibility to store these materials in a neat and orderly way with a cover. Does it have to be totally bare? Can stuff be stored there in anticipation of a rebuilding?

Keith Coueffin:

Something that is piled neatly is not a concern. The problem is there is already a large amount of materials there and it's getting to the point it would be challenging – at some point in time you just can't keep everything and maintain it in a sightly condition

Council Member:

Mr. Buchholz, how would you answer to this?

Harry Buchholz:

At this point of time I am approaching 50. My dream was Freedom 55. At this point in time, I'm challenged with having no house. If I have to take it down to the ground, the next question is what happens if I choose not to build the house?

Mayor Wright, Chair:

If you take it down to the ground, the foundation also has to come out.

Harry Buchholz:

I understand. My long range plan was to initiate the rezoning and work with the neighbours and come up with a comprehensive plan in the future. If I have to build a new foundation, it is money thrown away.

Mayor Wright, Chair:

In the long run, where Mr. Buchholz' property is, is where all the new things are being built and it's a wonderful holding property. I understand that. In the future, there will be other condominium type of development or maybe smaller homes. But it's definitely a good piece of property and eventually it will be used. So to try and to what he's doing, it's difficult, because there's no mechanism for us to do that.

Council Member:

We have mentioned 60 days. Is this of any use to you and could you comply with 60 days?

Harry Buchholz:

Yes.

Council Member:

I was a little worried about the 60 days, Harry, because you are under pressure right now and sometimes people get optimistic about these things. Are you pretty sure about the 60 days?

Harry Buchholz:

I don't want to answer. What is a reasonable buffer? I want to get it done. I want to do it as effectively as possible. It's been a difficult adjustment for me. At this time I've gotten beyond that - I am committed to it. If you drive by there you will see, not necessarily daily, but at least twice a week anyway, you will see significant improvements. At this time, the aluminum siding is down. I am removing the clapboard siding which I won't be using but at least I can offer it for sale. It will help me offset some of the labour I would need in order to carry on the program.

Council Member:

I wanted to make two comments. We just don't have the freedom to ignore the Building Code as a Council – it is provincial legislation. We don't have exemption authority where we can say we truly sympathize with you to make an exemption. We just don't have that authority under law. If you feel you are getting a cold reception, it's not because we choose that, it's because that's provincially controlled by legislation. We don't have the power to provide an exemption to you to build on the existing foundation – it doesn't meet Code.

The other comment I want to make in terms of our willingness to provide Mr. Buchholz with some flexibility around deconstruction is that we have had other people come forward to Council on Building Code issues who are, frankly, real scoff-laws. This is not the case at all. This is not a gentleman who broke the law, deliberately broke the Building Code or ignored City directives by building something and then he's here asking that he be exempted from the law. This is a gentleman who has experienced a tragedy and he is coping with it as best he can and if we can give him a little bit of flexibility for that painful task of deconstructing his home, he has a chance of making a little bit of salvage off it rather than spending \$5000 to \$10,000 to demolish it. And it sounds like that would be difficult for you and the last thing I want to do is be sitting here and have something added onto your taxes if you can't afford it and then we'd have an even more painful issue. So if we give him the 60 days, that is a humanitarian consideration.

**\*\* MOVED and SECONDED and CARRIED, this Committee recommends**

*THAT the following resolution be approved:*

**WHEREAS** Section 73 of the Community Charter authorizes Council to impose remedial actions in relations to a building that it considers to be in a hazardous condition;

**WHEREAS** Section 74 of the Community Charter authorizes Council to declare that a building is a nuisance and to impose remedial actions in relations to the declared nuisance;

**WHEREAS** Council believes that the building located on property known by the civic address of 1248 Ewen Avenue and more particularly described as BLK 15, NWD GROUP 1, PL 2620 BLOCK 15, NEW WEST DISTRICT GROUP 1, PLAN 2620 DISTRICT LOT 757/758, GROUP 1, EXCEPT PLAN PCL B (EP12765), W 5 ACRES OF BLK 17 and hereafter referred to as "1248 Ewen Avenue" is unsafe and so dilapidated and unclean as to be offensive to the community and a nuisance; and

**WHEREAS** 1248 Ewen Avenue is owned by Harold O. Buchholz;

**NOW THEREFORE BE IT RESOLVED THAT:**

- a) Pursuant to Sections 73 and 74 of the Community Charter and upon Council finding that it considers that the house located at 1248 Ewen Avenue is in an unsafe condition and is so dilapidated and unclean as to be offensive to the community, the following remedial action is imposed: **Building is to be demolished and removed by the owner, Harold O. Buchholz, or the owner's agent within 60 days after service of this Order.**
- b) It is hereby further ordered pursuant to section 77 (3) (b) of the Community Charter that:
  - i) In the case of default by the owner or agent to comply with this Order, the City, by its employees and others, may enter 1248 Ewen Avenue and effect the demolition and removal of or otherwise dealing with the house on this property at the expense of the owner or owner's agent.
  - ii) The charges for doing the work under paragraph (i), including all incidental expenses, if unpaid on December 31, 2009, are to be added to and form part of the taxes payable on the land or real property at 1248 Ewen Avenue.

All members of Committee present voted in favour of the motion.

The Committee of the Whole Meeting of Council recessed at 5:10 p.m. and reconvened at 5:17 p.m. with all members of Council present, except Councillor McIntosh.

## **6. Multicultural and Race Relations Awards Program**

March 2, 2009 report requesting Council's endorsement regarding the proposed Multicultural and Race Relations Awards Program.

- \*\* MOVED and SECONDED and CARRIED, this Committee recommends THAT Council endorse the proposed Multicultural and Race Relations Awards Program and that it allocate \$750 to implement the program in 2009.**

All members of Committee present voted in favour of the motion.

**7. Development of a Comprehensive Heritage Program - Update** (circulated separately)

Julie Schueck, Heritage Planner, reviewed the March 2, 2009 report from the Director and responded to questions. Members commented as follows:

- Regarding the current Heritage Inventory, put teeth into the plan to stop demolition of heritage houses that are thought to be important
- HRA's and subdivisions – expected a review of this matter in this report
- Prefer to retain complete Heritage Resource Inventory, rather than the smaller Heritage Register; clarify role of Inventory; explain how Register provides better protection.

Consideration of this item was deferred pending receipt of further information.

**7(a). Samson V – Verbal update**

Dean Gibson, Director of Parks and Recreation, reported that the Samson V repairs are complete and the boat is returned to its position at the Quay. However, the following concerns now exist:

- There are no means currently to provide for ship's caretaker services
- Safety systems must be reconnected
- Require ongoing regular inspections to ensure vessel remains water tight.
- 

These duties have been attended to by a ship's caretaker and funds for this person are paid out of the City's grant to the RA&I. The RA&I grant request has been deferred by Council.

During discussion, members made the following comments:

- Does the vessel have fire systems?
- Report to Council in six weeks on the future of the vessel including RA&I, the fit with the museum strategy and tourism
- Maintenance and operation model
- Advise whether fire systems require a caretaker
- Approach John Taylor, a marine conservationist, for an opinion.

**\*\* MOVED and SECONDED and CARRIED, this Committee recommends *THAT temporary ship's caretaker services be approved for up to eight weeks at a maximum cost of \$10,000, subject to staff reporting back to Council on the activities of the caretaker and future plans for the vessel's maintenance and operation.***

All members of Committee present voted in favour of the motion.

**8. Development Permit for 1625 Fifth Avenue – Krueger – Biomass Gasification** (circulated separately)

March 2, 2009 report regarding proposal to construct a biomass gasification system to replace existing boiler system and seeking approval of a Development Permit.

Lynn Roxburgh, Planning Assistant, circulated two letters on table: a November 24, 2009 letter from Oceans, Habitat and Enhancement, and a February 20, 2009 letter for Port Metro Vancouver (which will be added to the Agenda package). She and Chuck Stewart, General Manager of Krueger facility, were present and clarified matters regarding the proposal, the efficiency of the new system, anticipated emissions, improvements for the environment.

During discussion, the following comments were made:

- Concern over emissions
- Authority for approving a development given environment concerns
- There should be another mechanism to address environmental issues
- Consult with Connaught, West End and Queensborough Residents Associations
- Consult also with First Nations on overlap with Fraser River
- Compare this facility with Burnaby and Delta facilities
- Consult with Delta and Surrey.

**\*\* MOVED and SECONDED and CARRIED, this Committee recommends THAT Development Permit 010 (NAN) for 1625 Fifth Avenue be approved for issuance.**

All members of Committee present voted in favour of the motion.

**MOVED and SECONDED**

**THAT the Committee of the Whole Meeting continue beyond 6:00 p.m.**

**CARRIED.**

All members of Committee present voted in favour of the motion.

**9. 607 Columbia Street – Draft Results of February 17, 2009 Meeting**

March 2, 2009 report providing information on the proposed rezoning of 607 Columbia Street.

**MOVED and SECONDED**

**THAT March 2, 2009 report from the Advisory Planning Commission regarding 607 Columbia Street be received.**

**CARRIED.**

All members of Committee present voted in favour of the motion.

**10. Consultation Requirements Relating to Proposed Amendments to the New Westminster Official Community Plan for the Development of 409 Boyne Street and Undeveloped City Laneway**

March 2, 2009 report seeking Council's consideration of a plan for consultation regarding the proposed Official Community Plan amendments.

- \*\* MOVED and SECONDED and CARRIED, this Committee recommends**  
***THAT*** Council, in consideration of Local Government Act Section 879, direct staff to seek public input on the proposed Official Community Plan amendment relating to 409 Boyne Street in the following manner:
- a) Direct staff to advise and consult with:
    - the Board of the Greater Vancouver Regional District
    - South Coast British Columbia Regional Transportation Authority;
    - the Greater Vancouver Sewerage and Drainage District Board;
    - the Ministry of Transportation and Infrastructure;
    - the Queensborough Residents' Association.
  - b) Direct staff to seek input from interested parties in the following manner:
    - place an advertisement in the newspaper to notify the public of this application; and
    - send a notification letter to the owners and occupants within 650 feet of the subject property.
  - c) Not require consultation with:
    - the Boards of any Regional District adjacent to the area covered by the application, as none are considered to be affected by the application;
    - the Board of School District 40;
    - any First Nations;
    - any greater boards or improvement districts other than as noted herein, as none are considered to be affected by this application; and
    - any provincial or federal agency other than as noted herein, as none are considered to be affected by this application.

All members of Committee present voted in favour of the motion.

#### **11. Voluntary Amenity Contributions and Industrial Land Rezoning**

March 2, 2009 report seeking Council direction regarding clarification of the City's Voluntary Amenity Contribution System and how it applies to industrial land rezonings.

Consideration of this item was deferred.

#### **12. Release of Draft Metro Vancouver Regional Growth Strategy: Metro Vancouver 2040: Shaping Our Future**

March 2, 2009 report regarding the Draft Metro Vancouver Regional Growth Strategy: Metro Vancouver 2040: Shaping our Future.

- \*\* MOVED and SECONDED and CARRIED, this Committee recommends**  
***THAT*** staff be directed to prepare a report for Council's consideration at its March 23, 2009 Committee of the Whole to:
- a. Respond to the Regional Planning Committee's request for comments on the main issues that need to be considered in the review of the draft regional growth strategy; and

- b. Outline a work program for broader community review of the draft regional growth strategy.*

All members of Committee present voted in favour of the motion.

## Director of Engineering

### 13. Development Cost Charge Program – Consultation Review and options Development

February 16, 2009 report providing an update on the consultations held with the development community and outline options for moving forward on the proposed Development Cost Charge Program.

Consideration of this item was deferred.

### 14. Proposed Pesticide Use Bylaw ( Bylaw 7288, 2008)

March 2, 2009 report providing results from the public consultation session, providing a final pesticide use bylaw for Council's consideration and outlining a proposed education program.

- \*\* MOVED and SECONDED and CARRIED, this Committee recommends**  
*THAT Pesticide Use Bylaw No. 7288, 2008 be forwarded to the Regular Council meeting of March 2, 2009 for consideration of three readings; and*  
*THAT Council direct staff to initiate a pesticide use education program.*

**CARRIED.**

All members of Committee present voted in favour of the motion.

### 15. Construction Noise Bylaw Variance to Allow B & B Contracting to Carry Out a Storm Sewer Installation.

March 2, 2009 report seeking Council's approval of the variance request to allow installation of a storm sewer on East Columbia between Brunette Avenue and Strand Street.

- \*\* MOVED and SECONDED and CARRIED, this Committee recommends**  
*THAT Council approve a Construction Noise Bylaw Variance for B&B Contracting Ltd. to carry out installation of a storm sewer on East Columbia Street for four nights during the period between March 9 to 27.*

All members of Committee present voted in favour of the motion.

### 16. Construction Noise Bylaw Variance to Allow Metro Vancouver to Carry Out Sewer Interceptor Maintenance

March 2, 2009 report seeking Council's approval to allow internal maintenance work on the New Westminster Sewer Interceptor.

- \*\* MOVED and SECONDED and CARRIED, this Committee recommends**  
*THAT City Council approve the construction noise bylaw variance application from Metro Vancouver, to allow scheduled maintenance of their sewer interceptor on Columbia Street between April 1 to April 10, 2009.*

All members of Committee presented voted in favour of the motion.

## Director of Finance and Information Technology

### 17. 2009 Community Grants

March 2, 2009 report seeking Council's approval of the 2009 City Partnership Grants.

Deferred to a future meeting.

### **17(a). Financing of City Purchase of Westminster Pier**

Considered after Item 1.

### **17(b). Application for Grant Funding – Canada – BC Building Canada Fund**

March 2, 2009 report seeking approval to submit grant application for Canada/BC Building Canada Fund, Communities Component (circulated on table)

Considered after Items 1 and 17(a).

## COMMITTEE MINUTES AND RECOMMENDATIONS:

### 18. MOTION TO ADOPT THE MINUTES OF: Electric Utility Commission meeting of January 27, 2009

#### **MOVED and SECONDED**

*THAT the minutes of the Electric Utility Commission meeting held on January 27, 2009, be received and adopted.*

**CARRIED.**

All members of Committee present voted in favour of the motion.

## ADJOURNMENT

**ON MOTION**, the meeting adjourned at 6:08 p.m.

Certified Correct,

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**WAYNE WRIGHT**  
**CHAIR**

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**RICK PAGE**  
**CORPORATE OFFICER**

\*\* Denotes recommendations referred to Regular Council meeting of March 2, 2009, for ratification.